

**In the United States District Court for the
Middle District of Alabama
at Montgomery**

Anne Marie Hunter)	
)	
Plaintiff,)	
)	
vs.)	2:06-CV-00411-WHA-SRW
)	
Dürr Systems, Inc.)	
)	
Defendant.)	

**Plaintiff's Response to Defendant's Reply to Plaintiff's Suggestions in Opposition to
Defendant's Motion to Strike Plaintiff's Disclosure of Those Persons Who May Be Used at
Trial to Present Evidence Under Rules 701, 702, 703, or 705 of the Federal Rules of Evidence**

COMES NOW Plaintiff and for her Response to Defendant's Reply to Plaintiff's Suggestions in
Opposition state:

1. Defendant, in its Reply, fails to address the Advisory Committee Notes accompanying the
1993 Amendments to Rule 26. These Advisory Committee Notes state, in part:

"A treating physician, for example, can be deposed or called to testify at trial without any
requirement for a written report."

2. Because Defendant has failed to set forth any reason why Plaintiff's treating physicians in
this case should be treated differently than the treating physicians described in the Advisory Committee
Notes, Defendant's Motion to Strike should be denied.

WHEREFORE, Plaintiff prays the order of the Court denying Defendant's Motion to Strike
Plaintiff's Disclosure of Those Persons Who May Be Used at Trial to Present Evidence Under Rules 701,
702, 703, or 705 of the Federal Rules of Evidence.

HANKINS & CONKLIN, P.C.

/s/ Thomas E. Hankins

Thomas E. Hankins - MO #26005
6812 North Oak Trafficway, Suite 5
Gladstone, Missouri 64118-2587
Telephone: (816) 436-3100
Fax No. (816) 436-8643
E-Mail: tomhankinslaw@cs.com
Attorneys for Plaintiff

Certificate of Service

I hereby certify that a true and accurate copy of the above and foregoing document (Plaintiff's Response to Defendant's Reply to Plaintiff's Suggestions in Opposition to Defendant's Motion to Strike Plaintiff's Disclosure of Those Persons Who May Be Used at Trial to Present Evidence Under Rules 701, 702, 703, or 705 of the Federal Rules of Evidence) was transmitted by fax this 17th day of November, 2006 to Mr. James B. Carlson, Sirote & Permutt, P.C., Fax Number (205) 930-5101, Attorneys for Defendant. I further state that I also electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Mr. James B. Carlson
Sirote & Permutt, P.C.
2311 Highland Avenue South
P.O. Box 55727
Birmingham, Alabama 35255-5727

/s/ Thomas E. Hankins

Thomas E. Hankins
Attorney for Plaintiff